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Sent: 5/4/2018 1:01:28 PM
To: Nam, Ed [nam.ed@epa.gov]
CC: Breneman, Sara [breneman.sara@epa.gov]; Frank, Nathan [frank.nathan@epa.gov]
Subject: NSPS OOOOa reconsideration - expedited FAR request

Ed,

Region 5 is a workgroup member of the Reconsideration action for NSPS Subpart OOOOa, "Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources Review." This is for the methane-related "policy" portion of the reconsideration (SAN 6166).

The Final Agency Review (FAR) package is expected to be sent to the workgroup in mid-May, and OAQPS workgroup leads are requesting workgroup members agree to an expedited 5-day FAR review period. To date, the workgroup members (Regions 3, 5, 6, and 8, and OP, ORD, OGC, and OECA) have not been included in any development of the action, nor have they been provided with any materials to review, such as background data, analyses, draft regulatory or preamble text, or other such supporting documents.

Below are excerpts from EPA's Action Development Process (ADP) Guidance that describe when expedition of FAR is appropriate. As there is no court-ordered deadline or other deadline necessitating an expedited FAR review period, the workgroup has not had the opportunity to participate in the development of the FAR materials, and the total size of the package is expected to be in the hundreds of pages, the workgroup should be given at least the minimum typical 15-day review period described by EPA's ADP Guidance in order to be able to understand the action well enough to recommend the Region's position at the FAR meeting. The full ADP Guidance is here: <http://intranet.epa.gov/adplibrary/documents/adp09-24-15.pdf>

I am recommending Region 5 disagree with the 5-day expedited review period and fall back on the 15-day review period. This viewpoint is shared among workgroup members. ***Please let me know if you concur with the position outlined in the attached waiver form.*** If so, I will pass it along to the workgroup leads. OAQPS has set a due date of May 8th for the waiver form.

What happens once the FAR package is complete?

The lead RSC representative/RRC schedules the FAR meeting through the RMD Desk Officer. (RMD assigns a staff Desk Officer to each program area; the current list of Desk Officers is available in the ADP Library at <http://intranet.epa.gov/adplibrary>.) The FAR meeting should be scheduled no sooner than 15 working days after the FAR package is distributed to the participating AAs and RAs. In rare cases, it may be necessary to schedule the FAR meeting sooner, if a full 15-day review period is not possible. If this occurs, a request for an expedited FAR process is necessary. See Action Aid 10 for more information on expedited FARs.

Action Aid 10:

Procedures for Requesting an Expedited FAR

Sometimes, it may be necessary to request an expedited FAR. This Action Aid establishes procedures for requesting an expedited FAR. Use this procedure whenever you believe that your office will not be able to provide the standard 15 working days to complete review of the FAR package.

When is it okay to request an expedited FAR?

This expedited process is limited to circumstances in which there is no other option, given a deadline, and where all participants agree to a shortened period. Typically, the lead office provides participating offices/Regions with the complete FAR package (e.g., Action Memorandum, Federal Register documents, economic analysis, Information Collection Request, communications material) a minimum of 15 working days before the FAR meeting. In exceptional circumstances, it may be necessary for this standard review period to be shortened (e.g., court-ordered deadline). An expedited FAR does not mean that all documents in the FAR package do not have to be complete. Quite the opposite, a truncated review period increases the importance of having a complete package in hand when the review period begins.

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